IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 15330 of 2004

Between:

L. Ravinder, S/o. Sakria Naik,
H.No. 6-6, Road No.3, Adarshnagar Colony,

Serilingampally, Ranga Reddy District.

..... PETITIONER

AND

1 The APSRTC, Rep. by its Vice Chairman and Managing Director,
Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Hyderabad City Region, Secunderabad.
3 The Depot Manager, APSRTC, HCU Depot, Gatchibowli,
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus calling for the records relating to the Proc.No.02/95 (59)/2004-HCU, dt. 13-8-2004 issued by the 3rd respondent and declare the same as illegal, arbitrary and contrary to the rules and further direct the respondents to treat the entire period from 31-7-2004 till the date of reinstatement as continuity of service with full back wages and further direct the respondents to treat the initial appointment on 23-11-2001 as regular service.

Counsel for the Petitioner: MR.P.RAGHAVENDRA REDDY

Counsel for the Respondent Nos.1 to 3: MR.V.T.M.PRASAD

The Court made the following:

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ORDER:

The petitioner was appointed as a casual Conductor on 23.11.2001 on daily wage basis. The petitioner contends that he was appointed on the basis of a selection made by departmental selection committee, constituted by the respondent management, after following the procedure, stipulated in A.P.S.R.T.C Employees Recruitment Regulations, 1966, including the medical test for direct recruitment. The 3rd respondent issued an order on 13.08.2004 deleting the name of the petitioner from the selected list of conductors on the ground that he committed a ticket irregularity. The 3rd respondent issued a show cause notice to the petitioner on 04.08.2004, calling for his explanation, and the petitioner submitted his explanation on 09.08.2004, explaining the circumstances, under which he is entitled to be exonerated. The respondents without ordering any enquiry deleted the name of the petitioner from the selected list of conductors.

2. The petitioner submits that the deletion of his name from the selected list of conductors, amounts to major penalty and acts as stigma, and as this is a case of major penalty, the procedure stipulated under Regulation 11 and 12 of A.P.S.R.T.C. Employees CCA Regulations, 1967 have to be followed and an enquiry has to be conducted before passing any order against him. The petitioner therefore, approached this Court seeking to hold that the impugned order dated 13.08.2004 as illegal, arbitrary and contrary to the principles of natural justice, and to direct the respondents to reinstate the petitioner by way of restoring his name in the list of selected conductors.

3. The learned counsel for the respondent represented that the petitioner is a temporary employee. Therefore, he can be removed from service, after calling for explanation, without conducting any enquiry in the matter. The petitioner is asserting that he is one of the candidates in the list of selected conductors, through the selection made by a selection board, constituted by the respondent

corporation.

4. The entire process for regular selection was followed by the respondents, but the appointment was given to the petitioner as a daily wage conductor. The respondents deleted the name of the petitioner from the list of selected conductors on the ground that he committed ticket irregularity. If the respondents are so inclined, they may conduct an enquiry into the said irregularity, and after giving opportunity to the petitioner, pass appropriate order according to rules and regulations.

5. Therefore, ordering deletion of the name of the petitioner from the list of selected conductors, without conducting any enquiry, cannot be sustained. The impugned proceedings are, therefore, quashed. The respondents are directed to restore the name of the petitioner into the list of the selected conductors. If the respondents are inclined to take action against the petitioner, they may frame charges against the petitioner, conduct an enquiry and pass appropriate orders, after giving opportunity to the petitioner.

6. The Writ Petition is, according, allowed. No order as to costs.

Note:

Issue CC in 7 days

B/o.

dsr/skm

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Vice Chairman & Managing Director,

APSRTC, Musheerabad, Hyderabad

2. The Regional Manager, APSRTC,

Hyderabad City Region, Secunderabad

3. The Depot Manager, APSRTC,

HCU Depot, Gatchibowli,

Rangareddy District

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